

**APPROVED MINUTES
YORK COUNTY PLANNING COMMISSION**

Regular Meeting
York Hall
January 9, 2002
7:00 PM

MEMBERS

Spencer W. Semmes, Chair
Andrew A. Simasek, Vice Chair
Robert E. Beil, Jr.
Robert D. Heavner
Michael H. Hendricks
Alfred E. Ptaszniak, Jr.
Ann F. White

CALL TO ORDER

Chair Spencer Semmes called the regular meeting of the Planning Commission to order at 7:00 p.m.

The roll was called and all members were present. Staff members present were J. Mark Carter, James E. Barnett, Jr., Timothy C. Cross, Michael S. King and Olivia D. Wilkinson.

REMARKS

Mr. Semmes explained the legal mandate of the Planning Commission, its composition of citizen volunteers, and its mission as an advisory body to the Board of Supervisors for land use issues.

Mr. Semmes then welcomed to the meeting Ms. Lisa Persikoff, who was attending as a participant in the Virginia Peninsula Leadership Institute.

Chair Semmes presented a resolution of appreciation, adopted by the Commission in November 2001, to Mr. Thomas Shepperd. Mr. Shepperd expressed his appreciation for the opportunity to serve the citizens as a member of the Planning Commission before his election to the York County Board of Supervisors.

APPROVAL OF MINUTES

Upon motion of Ms. White, the minutes of the regular meeting of December 12, 2001, were adopted unanimously by roll call vote.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS

Application YVA-11-02: Herbert and Maureen Moss: Request for a change in use, pursuant to Section 24.1-327(b)(4) of the York County Zoning Ordinance to allow short-

term rental to transient occupants of an existing single-family detached dwelling on a 0.13-acre parcel located at 224 Nelson Street and further identified as Assessor's Parcel No. 18A-(1)-M2. The property is zoned YVA (Yorktown Village Activity). The Comprehensive Plan designates Yorktown as an historical village without reference to specific land uses.

Ms. Olivia Wilkinson provided a summary of the staff memorandum dated December 26, 2001, in which the staff recommended approval subject to conditions contained in proposed Resolution PC02-1.

The Chair opened the public hearing.

Ms. Maureen Moss, 111 Holloway Drive, expressed her appreciation for positive consideration of her application and offered to answer questions of the Commission.

There being no others who wished to speak, Chair Semmes closed the public hearing.

Ms. White complimented the applicants on the application and said it appears to be consistent with both the Yorktown Master Plan and the Comprehensive Plan.

Mr. Heavner inquired about size and illumination of signs. Ms. Wilkinson noted that the applicants do not plan to post any signage and the staff did not believe it necessary to restrict signage because the proposed use would be similar to a bed and breakfast establishment, for which a sign would be permitted.

Resolution PC02-1

On motion of Mr. Hendricks, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO
AUTHORIZE THE SHORT-TERM RENTAL OF A SINGLE-FAMILY DWELLING
LOCATED AT 224 NELSON STREET IN THE VILLAGE OF YORKTOWN

WHEREAS, Herbert and Maureen Moss have submitted Application No. YVA-11-02, pursuant to Section 24.1-327(b)(4) of the York County Zoning Ordinance, which is a request to allow short-term rental of an existing single-family dwelling to transient guests. The property is located at 224 Nelson Street and is further identified as Assessor's Parcel No. 18A-(1)-M2; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of January, 2002, that Application No. YVA-11-02 be, and it is hereby, transmitted to the Board of Supervisors with a recommendation of approval to authorize a change in use, pursuant to Section 24.1-327(b)(4) of the York County Zoning Ordinance, subject to the following conditions:

1. This application shall authorize the establishment of a vacation cottage for short-term rental to transient guests in an existing structure on property located at 224 Nelson Street and further identified as Assessor's Parcel No. 18A-(1)-M2. The dwelling may not be rented on a daily basis. Rentals may be provided on a weekend, weekly, or monthly basis.
2. The proposed use shall be connected to public water and sanitary sewer service.
3. The maximum occupancy shall be four (4) persons while operated as a one-bedroom vacation cottage.
4. One (1) freestanding, non-illuminated sign, not exceeding four (4) square feet in area, shall be permitted to identify the use.
5. Retail sales on the premises shall not be permitted.
6. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

Application No. UP-587-02, Ranger Rick's: Request for a special use permit, pursuant to Section 24.1-306 (category 9, number 8) of the Zoning Ordinance to authorize the establishment of a golf driving range, miniature golf, and batting cages on an 11.3-acre portion of a 100.5-acre parcel located at 301 Lightfoot Road (Route F-137) approximately 1,000 feet east of Route 60 on the north side of Lightfoot Road and further identified as Assessor's Parcel No. 2-17. The property is zoned EO (Economic Opportunity) and the Comprehensive Plan designates this area for Economic Opportunity uses.

Mr. Michael King presented a summary of his staff report dated December 26, 2001, in which he recommended approval. Mr. Semmes asked why the buffer is proposed to be 50 feet instead of 100 feet. Mr. King said the Pottery owns the property on both sides of the subject land, and the adjoining Pettitt property will be covered by a continuous row of evergreens, which he considers adequate buffering.

Mr. Simasek wanted to know how much parking would be required. Mr. King said there would be adequate parking for each driving range position plus one employee, and the staff considers this an adequate number of spaces. Mr. Simasek asked where miniature golf customers would park if all of

the available parking spaces are taken by driving range customers. Mr. King said some adjustments could be made to the parking requirements during site plan review.

Mr. Beil asked if James City County had commented on the application; Mr. King responded they had not.

The Chair opened the public hearing.

Richard Costello, P.E., 10020 Sycamore Landing Road, AES Consulting Engineers, spoke for the applicant. He introduced other principals who could answer questions if necessary.

Mr. Costello said the land owner has significant frontage on Lightfoot Road and wants to control its development, so this is a land lease. He said the applicant proposes 51 parking spaces to serve five batting cages and 30 tees, leaving 16 parking spaces for miniature golf customers. He explained the conditional right turn taper will keep traffic moving along Lightfoot Road without impeding speed of the through traffic flow.

According to **Mr. Rick Newburg**, the applicant, the driving range and batting cages will be the primary focus of the development and will be complemented by a miniature golf course.

Mr. Beil asked if the applicant would be willing to construct a safety fence along the northern edge of the property if the EO-zoned land beyond were to be developed in the future. **Mr. Newburg** said he would do so if required, because he wants to be good citizens.

The Chair closed the public hearing.

PC02-2

On motion of Mr. Beil, which carried 7:0, the following resolution was adopted:

RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO
AUTHORIZE THE ESTABLISHMENT OF A GOLF DRIVING RANGE,
MINIATURE GOLF, AND BATTING CAGES ON
LIGHTFOOT ROAD

WHEREAS, Rick Newburg, d/b/a Ranger Rick's Driving Range, has submitted Application No. UP-587-02, which requests a special use permit pursuant to Section 24.1-306 (Category 9, No. 8 and No. 9) of the York County Zoning Ordinance to authorize the establishment of a golf driving range, miniature golf, and batting cages on an 11.3-acre portion of a 100.5-acre parcel located at 301 Lightfoot Road and further identified as Assessor's Parcel No. 2-17; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of January, 2002 that Application No. UP-587-02 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a golf driving range, miniature golf, and batting cages on an 11.3-acre portion of a 100.5-acre parcel located at 301 Lightfoot Road and further identified as Assessor's Parcel No. 2-17 subject to the following conditions:

1. This use permit shall authorize construction of a golf driving range, miniature golf course, and batting cages on an 11.3-acre portion of a 100.5-acre parcel of land located at 301 Lightfoot Road and further identified as Assessor's Parcel No. 2-17.
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any land disturbing or construction activity for this development. Said site plan shall be in substantial conformance with the concept plan titled Ranger Rick's Driving Range, prepared by AES, Consulting Engineers, and dated November 1, 2001.
3. The golf course shall be developed and operated in accordance with the standards set forth in Section 24.1-454, *Standards for all recreation and amusement uses*; Section 24.1-458, *Standards for miniature golf, waterslide, skateboard rink, baseball hitting range, golf driving range, and other outdoor commercial amusements*. The one hundred-foot (100') separation buffer required under these standards may be reduced to a minimum of fifty feet (50'), provided that a continuous row of evergreen trees is planted along either side of the development that when mature will effectively form a screening fence. Said buffer shall consist of a strip of open space, a minimum of fifty feet (50') wide, landscaped to achieve the following ratios, at a minimum:
 - One large evergreen tree (ultimate height greater than or equal to 40') for every thirty (30) linear feet measured along the outside edge of the buffer, plus
 - One medium evergreen tree (ultimate height 20' - 40' for every twenty-five (25) linear feet measured along the outside edge of the buffer.
6. A right turn taper into the development, designed in accordance with the standards of the Virginia Department of Transportation (VDOT), shall be constructed westbound on Lightfoot Road.
7. The applicant shall be responsible for installing any additional on- or off-site improvements recommended by the Virginia Department of Transportation (VDOT).

8. The topographical relief associated with the final construction of the miniature golf course shall be no greater than four feet (4') above the existing grade.
9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

Application No. UP-588-02, Charity Ann Combs: Request for a special use permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a beauty shop as a home occupation within a single-family detached dwelling located in the Edgehill subdivision at 103 York Lane and further identified as Assessor's Parcel No. 24J-2C-27. The property is zoned R20 (Medium density single-family residential) and the Comprehensive Plan designates this area for Medium Density Residential development.

Mr. Timothy Cross presented the staff report dated December 28, 2001, which contained a recommendation of approval.

The Chair opened the public hearing.

Ms. Charity Ann Combs, 103 York Lane, offered to answer questions about her application.

Mr. Ptasznik asked Ms. Combs if the Edgehill subdivision is covered by covenants, and Ms. Combs stated that it is not.

Chair Semmes closed the public hearing.

PC02-3(R)

On motion of Mr. Hendricks, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION FOR A SPECIAL USE PERMIT TO AUTHORIZE A BEAUTY SHOP AS A HOME OCCUPATION AT 103 YORK LANE

WHEREAS, Charity Ann Combs has submitted Application No. UP-588-02 requesting a special use permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a beauty shop as a home occupation within a single-family detached dwelling on property located at 103 York Lane and further identified as Assessor's Parcel No. 24J-2C-27; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of January, 2002, that Application No. UP-588-02 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a special use permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to establish a beauty salon as a home occupation within a single-family detached dwelling on property located at 103 York Lane and further identified as Assessor's Parcel No. 24J-2C-27, subject to the following conditions:

1. This use permit shall authorize the establishment of a one (1)-chair beauty shop as a home occupation within a single-family detached dwelling on property located at 103 York Lane and further identified as Assessor's Parcel No. 24J-2C-27.
2. The conduct of such home occupation shall be limited to an area within the existing home not to exceed 250 square feet.
3. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein.
4. No person other than individuals residing on the premises shall be engaged on the premises in the home occupation.
5. The days and hours of operation shall be limited to Tuesdays and Thursdays from 10:00 AM to 7 PM, Wednesdays and Fridays from 10:00 AM to 4:00 PM, and Saturdays from 10:00 AM to 2:00 PM.
6. No more than one (1) customer at any one time shall be served within the applicant's home.
7. Retail sales on the premises shall be limited to incidental sales of shampoo, conditioning, and other hair care products.
8. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
9. In accordance with the terms of the Zoning Ordinance, at least one (1) off-street parking space shall be provided on the premises to accommodate clients. This space shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

Application No. UP-589-02, Rudolph Holmes: Request for a special use permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a barbershop as a home occupation within a single-family detached dwelling located in the Carver Gardens subdivision at 103 Banneker Drive and further identified as Assessor's Parcel No. 11D-1-31. The property is zoned R13 (High density single-family residential) and the Comprehensive Plan designates this area for High Density Residential development.

Mr. Cross presented a summary of the report to the Commission dated December 28, 2001, in which the staff recommended approval.

The Chair called for questions; there being none, he opened the public hearing.

Mr. Rudolph Holmes, 103 Banneker Drive, offered to answer questions.

There being no others who wished to speak, Chair Semmes closed the public hearing.

PC02-4

On motion of Ms. White, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION FOR A SPECIAL USE PERMIT TO AUTHORIZE A BARBERSHOP AS A HOME OCCUPATION AT 103 BANNEKER DRIVE

WHEREAS, Rudolph Holmes has submitted Application No. UP-589-02 requesting a special use permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a barbershop as a home occupation within a single-family detached dwelling on property located at 103 Banneker Drive and further identified as Assessor's Parcel No. 11D-1-31; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of January, 2002, that Application No. UP-589-02 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a special use permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to establish a barbershop as a home occupation within a single-family detached dwelling on property located at 103 Banneker Drive and further identified as Assessor's Parcel No. 11D-1-31, subject to the following conditions:

1. This use permit shall authorize the establishment of a one (1)-chair barbershop as a home occupation within a single-family detached dwelling on property located at 103 Banneker Drive and further identified as Assessor's Parcel No. 11D-1-31.
2. The conduct of such home occupation shall be limited to an area within the existing home not to exceed 200 square feet.
3. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein.
4. No person other than individuals residing on the premises shall be engaged on the premises in the home occupation.
5. The days and hours of operation shall be limited to Mondays through Saturdays from 8:00 AM to 8:00 PM.
6. No more than one (1) customer at any one time shall be served within the applicant's home.
7. Retail sales on the premises shall be limited to incidental sales of shampoo and other hair care products.
8. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
9. In accordance with the terms of the Zoning Ordinance, a minimum of one (1) off-street parking space shall be provided on the premises to accommodate clients. This space shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

Application No. UP-590-02, Joseph Dufresne: Request for a special use permit, pursuant to Section 24.1-306 (category 11, number 7) of the Zoning Ordinance to authorize the establishment of a tattoo parlor at 2719 George Washington Memorial Highway (Route 17) in the shopping center adjacent to the 7-11 at the corner of Rich Road and Route 17 and further identified as Assessor's Parcel No. 36A (7)-1. The property is zoned GB (General Business) and the Comprehensive Plan designates this area for General Business uses.

Mr. Michael King presented a summary of the report to the Commission dated December 26, 2001, in which the staff recommended approval. He said the applicant was present and available to answer questions.

The Chair opened the public hearing. Hearing no one, he closed the public hearing.

Mr. Heavner inquired why the applicant wants to relocate his business.

Mr. Joseph Dufresne, 2720 George Washington Memorial Highway, indicated he hopes to sell the property from which he currently operates his business. He said he would not sell it as a trailer park, and the trailers and car lot that occupy the lot "have been put on notice."

PC02-5

On motion of Mr. Ptasznik, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE THE ESTABLISHMENT OF A TATTOO PARLOR AT 2719
GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17)

WHEREAS, Joseph Dufresne has submitted Application No. UP-590-02, which requests a special use permit pursuant to Section 24.1-306 (Category 11, No. 7) of the York County Zoning Ordinance to authorize the establishment of a tattoo parlor at 2719 George Washington Memorial Highway (Route 17) within an existing shopping center located on a parcel of land identified as Assessor's Parcel No. 36A (7)-1; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of January, 2002 that Application No. UP-590-02 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a tattoo parlor at 2719 George Washington Memorial Highway (Route 17) within an existing shopping center located on a parcel of land identified as Assessor's Parcel No. 36A (7)-1, subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a tattoo parlor at 2719 George Washington Memorial Highway (Route 17) within an existing shopping center located on a parcel of land identified as Assessor's Parcel No. 36A (7)-1.
2. The applicant shall at all times maintain on the premises appropriate documentation of compliance with applicable requirements and regulations of the Virginia Department of Health.

3. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

Application Nos. ZM-64-02, Hugh A. West; and UP-591-02, Providence Classical School: Request to amend the York County Zoning Map by reclassifying an approximately 1.9-acre parcel located at 116 Palace Lane and further identified as Assessor's Parcel No. 9-11 from conditional LB (Limited Business) to LB. The property owner seeks to delete a condition, voluntarily proffered as part of a conditional rezoning application approved in 1987, that limited the use of the property to a funeral home; and request for a special use permit, contingent upon approval of Application No. ZM-64-02, to authorize the establishment of a private school at 116 Palace Lane. Ms. Olivia Wilkinson presented a summary of the memorandum to the Commission dated December 26, 2001, and noted that the proposed re-use of the property would probably be desirable over many other uses that are permitted in the Limited Business zoning district.

Mr. Beil inquired about the buffer requirement between the subject parcel and the adjacent residential properties. Ms. Wilkinson responded that the Zoning Ordinance typically requires a 35-foot buffer. She explained that the staff had reviewed the subject property's existing fence with an established mature line of trees, and considered this an adequate buffer in combination with staff's recommendation that the playground be located on the opposite side of the building.

Mr. Semmes mentioned that the use permit applicant disagreed with staff's proposed 111-student enrollment cap and wondered if the traffic analysis that this enrollment (111 students) triggered could be undertaken immediately to address the school's request for an enrollment of 150 students. Ms. Wilkinson indicated that the school could complete a traffic analysis at this time. She said that that the Zoning Ordinance requirement for a traffic study was explained to the applicant during a pre-application conference and that without such a study an enrollment cap would be recommended.

In response to a question by Mr. Semmes, Ms. Wilkinson clarified that the Zoning Ordinance provides for modifications to the use permit should the school wish to exceed the proposed enrollment cap. She explained that an increase in the enrollment cap would trigger the traffic analysis requirement. She continued that a 5% or less increase in enrollment would require review by the Zoning Administrator and that increases above 5% would require action by the Board of Supervisors.

Discussion followed about a gravel road located along the southern edge of the subject property, including its ownership, whether the County could have it closed off, and how it is presently used. Mr. Carter offered to review the original site plan approval of the office building served by the gravel road to get more details about how the road was to have been finished.

Mr. Ptasznik asked why staff recommended a four-foot fence for the school playground. Ms. Wilkinson commented that this height was consistent with fencing requirements for previously

approved day care center playgrounds. Mr. Ptasznik asked about the height of the existing privacy fence located on the opposite side of the property. Ms. Wilkinson said she thought that it was about six feet. Mr. Ptasznik suggested the required fence heights might not be enough. He also expressed concern about requiring the playground to be placed in the southwest yard area, next to a gravel road that might be paved in the future and might experience an increase in traffic. Ms. Wilkinson noted that, in recommending the playground placement, staff considered potential noise impacts on adjacent properties and residential neighborhoods. In response to Mr. Heavner, Ms. Wilkinson clarified that staff considered the safety concerns associated with the playground location and recommended the fenced enclosure to mitigate these concerns.

Replying to Mr. Heavner about any citizen complaints, Ms. Wilkinson noted that the majority of public comments relayed to staff concerned the possible use of Caran Road for delivering and picking up students. She also indicated that public comments included concerns regarding playground location.

Mr. Simasek said that because of the proffer that currently exists on the property, the County has a great deal of control over that land at this time, requiring careful deliberation by the Commission.

The Chair opened the public hearing.

Mr. Jim Carter, 201 Prince Charles Road, said he represents the owner, Mr. Hugh West, in marketing the property. He said the office building served by the gravel road mentioned earlier is owned by Williamsburg Properties LLC, who is leasing it to Fairfield Timeshare. He said Fairfield was using the rear parking lot without the owner's permission and that the owner has now blocked the rear parking lot to prevent this.

Ms. Rita Stryker, 200 John Tyler Lane, representing Providence Classical School, presented remarks in support of the school's application. (The text of Ms. Stryker's remarks is attached to the minutes.)

Mr. Michael Doucette, 205 West Tazewells Way, Williamsburg, said he is affiliated with the school. He noted that, based on current anticipated tuition and a student population of 25, the school faces an immediate fiscal deficit and is undertaking a fund-raising campaign to close the deficit. The school needs to make building improvements, as well, he added, and it cannot afford a traffic study, which could cost up to \$7,500. Mr. Doucette requested that the County eliminate the requirement for a traffic impact analysis.

Mr. Tom Darnelle, 3724 General Gookin Court, Williamsburg, Pastor of Grace Covenant Presbyterian Church, spoke of the school's commitment to Christian and classical education. He said the school imparts knowledge, data, love for learning, and tools for learning that help to build leaders.

Mr. Mike Kirby, 121 Caran Road, was not opposed to the school but was concerned about traffic it might add to Palace Place and Caran Road. He further noted there is a severe mosquito problem at the end of Caran Road, approximately 500 yards from the school, because of drainage. No one takes responsibility for the drainage and mosquito problem, he added, although numerous calls have been made to County staff.

Ms. Susan Hefner, 111 Caran Road, lives next to the area where the school proposes to place its playground. She stated that her yard is her refuge, and she would like to have assurances that the sound will be well buffered from the playground. Ms. Hefner also suggested placing speed bumps to slow traffic, and to close off Palace Lane.

There were no others to speak; the Chair closed the public hearing.

Mr. Ptasznik inquired if the school is prepared to repair the fence if necessary, and Ms. Stryker said that it is.

Mr. Simasek said that the Commission is charged with recommending responsible land use, but he appreciates the mission of the school. He asked what position the school would take if the County were to approve the use for a maximum enrollment of 111 students. Ms. Stryker said the school would proceed but would prefer not to have to do that because the allowed enrollment would fail to cover the expenses of operating the school.

Mr. Simasek inquired about the school plans for the fourth year. Ms. Stryker said the school would enter a three-year lease with the property owner, Mr. West, and at the end of that lease would decide whether to purchase the property or move. Mr. Simasek noted that if the school were to abandon the property after three years, the County would have less control over its use than it now has.

Responding to Commissioners' questions, Ms. Stryker said the school is accredited by the ACCS but not by the state, and all of its teachers are certified. The enrollment includes York County students. The school does not operate from June to September and does not provide day care or any after-school care. The students are gone at 3:30 p.m. on school days. Recesses are staggered among the students, generally lasting a total of no more than one hour per day with the current 25 students, but could increase to three hours as enrollment increases up to 144 students. No fundraising events take place on school property.

Mr. Beil asked if there is a procedure to request the Virginia Department of Transportation to prevent traffic cutting through Caran Road to Palace Lane. Mr. Carter said the Greensprings subdivision residents could make such a request. He said he will contact VDOT, however, to get a STOP sign installed.

Mr. Ptasznik suggested that the Greensprings residents contact the Department of Environmental and Development Services about the drainage and mosquito problems.

Mr. Hendricks commended the applicants for the project. He said he preferred the applicant's proposed playground location over the staff's, and would therefore consider reviewing or eliminating Condition 4 of the draft resolution. He believed the existing fence and the distance from a major road would provide adequate buffers and less risk for the children.

Mr. Ptasznik and Ms. White both agreed. Mr. Beil proposed a six-foot privacy fence to buffer the play area.

Mr. Simasek reiterated his concern over the future of the land and the County's loss of control over its use if the property is abandoned in three years. Mr. Hendricks said the County would continue to exercise control through the Zoning Ordinance standards.

Resolution PC02-6

On motion of Ms. White, which carried 4:3 (Messrs. Simasek, Beil and Heavner opposing), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZM-64-02 TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING THE PROPERTY LOCATED AT 116 PALACE LANE FROM CONDITIONAL LB TO LB WITHOUT CONDITIONS

WHEREAS, Hugh A. West has submitted Application No. ZM-64-02, which requests the removal of an existing proffered condition limiting the parcel's use to a funeral home by reclassifying an approximately 1.9-acre parcel from conditional LB (Limited Business) to LB without conditions. The property is located at 116 Palace Lane and is further identified as Assessor's Parcel No. 9-11; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of January, 2002, that Application No. ZM-64-02 be, and it is hereby, transmitted to the Board of Supervisors with a recommendation of approval to reclassify an approximately 1.9-acre parcel located at 116 Palace Lane and further identified as Assessor's Parcel No. 9-11 from conditional LB (Limited Business) to LB without conditions.

Mr. Ptasznik asked if the County could waive the requirement for a traffic study, as requested by the school. Mr. Barnett said the study could not be waived because it is ordained in the County Code. Mr. Carter said, while there is a need for some sort of traffic study, the County is willing to work with the applicant to review its enrollment studies and traffic generation characteristics and how they relate to previous generational analyses.

Ms. White moved adoption of Resolution PC02-7(R), eliminating proposed Condition 4 relating to playground location.

Resolution PC02-7(R)

On motion of Ms. White, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION FOR A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A PRIVATE SCHOOL IN AN EXISTING BUILDING LOCATED AT 116 PALACE LANE

WHEREAS, Providence Classical School has submitted Application No. UP-591-02 requesting a special use permit, pursuant to Section 24.1-306 (Category 5, No. 2(b)) of the York County Zoning Ordinance, to authorize the establishment of a private school in an existing building located at 116 Palace Lane and further identified as Assessor's Parcel No. 9-11; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of January, 2002, that Application No. UP-591-02 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a special use permit, pursuant to Section 24.1-306 (Category 5, No. 2(b)) of the York County Zoning Ordinance, to authorize the establishment of a private school within an existing building on property located at 116 Palace Lane and further identified as Assessor's Parcel No. 9-11, subject to the following conditions:

1. This use permit shall authorize the establishment of a private school within an existing building on property located at 116 Palace Lane and further identified as Assessor's Parcel No. 9-11.
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the County prior to the commencement of any renovation of the existing structure. Said site plan shall identify classroom, office, and assembly space.
3. The private school shall be developed and operated in accordance with the standards set forth in Section 24.1-427, Standards for all educational uses, of the York County Zoning Ordinance.
4. Temporary modular classrooms shall not be permitted on the site.
5. School enrollment shall be limited to a maximum of 111 students. Providence Classical School shall submit, in writing, enrollment data to the Planning Division by October 1 annually. If the school wishes to increase its enrollment above 111 students, an application for an amendment to the special use permit shall be required. A traffic impact analysis shall be required with the

application submittal and shall include an analysis of the school-related traffic anticipated to pass through the Bypass Road/Palace Lane, Waller Mill Road/Mooretown Road, and Bypass Road/Waller Mill Road intersections.

6. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

RECENT ACTIONS

Mr. Carter reported on recent actions by the Board of Supervisors.

COMMITTEE REPORTS

Ms. White reported that the Yorktown Design Guidelines Study Committee will meet January 17, 2002.

FUTURE BUSINESS

Mr. Carter briefed the members on future business and public hearings for the Commission.

ADJOURNMENT

Chair Semmes called adjournment at 9:40 p.m.

SUBMITTED: _____/s/_____
Phyllis P. Liscum, Secretary

APPROVED: _____/s/_____
Spencer W. Semmes, Chair

DATE: February 13, 2002